

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Meeting

October 15, 1974
6:00 P.M.Electric Auditorium
301 West Avenue

The meeting was called to order with Mayor Butler presiding:

Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Butler, Mayor Pro Tem Love

Absent: None

Mayor Butler announced that this was a Special Called Meeting of the City Council meeting jointly with the Human Relations Commission and the Civil Service Commission with regard to police activities. He noted that the meeting was being held in response to a request by Mr. Paul Hernandez and others that the Council and the Human Relations Commission come to Centro Chicano Headquarters on San Marcos Street. However, it was felt that the meeting should be held at a public facility; and the meeting was being held early so that people interested in attending the meeting at Centro Chicano Headquarters scheduled for 7:30 p.m. could do so.

Councilman Lebermann stated that he would have to leave by 7:15 p.m. to meet with a group of citizens at his home. Mayor Butler then opened the discussion to the scheduled speakers.

MR. PAUL HERNANDEZ, representing the East Austin Committee for Justice and other interested groups, stated that in reference to the meeting being held at Centro Chicano, his group had decided to have the meeting at the Pan American Center, which was a City facility, and that the meeting would be conducted at 7:30 p.m. He then presented the following recommendations:

1. A Civilian Police Review Board be established with a majority of the Board composed of Chicanos and Blacks.
2. Immediate removal of Chief Bob Miles; make the position an elective office.

3. Immediate removal from the Civil Service Commission of Mr. Taylor Glass and Mr. Charles Goodnight and the appointment of a Black and a Chicano to replace them.
4. Immediate dismissal of any and all police officers who have been found to have committed acts of misconduct and the immediate filing of criminal charges against that person.
5. Remove problem police immediately from problem areas.
6. Require that all police officers live in the community which they patrol and that they patrol these communities on foot - not in cars. The police officers would become better acquainted with the daily lives of the citizens they serve and would make it easier for citizens to communicate with police officers.
7. In cases of alleged brutality, the officer or officers involved must submit to a mandatory lie detector test upon the request of the citizen involved. Failure to submit to such tests should result in immediate dismissal of the officer.
8. Police officers be prohibited from arming themselves with live ammunition. As an alternative, if they decide to carry arms, they should be permitted to use only stunning or tranquilizing bullets.
9. Police should only fire their weapons when the life of a police officer or a civilian is in immediate jeopardy. At no time should a policeman fire into a crowd or fire at a fleeing suspect. Police should also refrain from firing warning shots as these missiles could easily injure a bystander.
10. Police be prohibited from making misdemeanor arrests in large groups and never under any circumstances should abusive language toward a police officer be considered sufficient pretext for arrest.
11. A minimum of 200 hours of sensitivity and cultural awareness training be required as part of the in-service and cadet training of Austin Police officers and that such training be conducted by community minority groups. When federal and state funds are available to the police, sensitivity training should be given priority over the purchase of riot control equipment, new cars, or new weapons with greater killing power.
12. Municipal judges be required to be proficient in the Spanish language or retain full-time Spanish-speaking personnel.
13. All alleged illegal aliens who are arrested be provided access to Spanish-speaking counsel before being requested to sign any papers.

14. Alleged publicly intoxicated persons be taken home instead of being arrested. Rather than being fined or jailed, repeated offenders should be referred to proper treatment facilities.
15. A physician be available at all times at City Jail. The discretionary power of the police officer to decide who had or had not been injured should be taken out of the officer's hands and placed in the hands of the doctor so that all injured persons can be immediately and properly treated.
16. Office space be given to the East Austin Committee for Justice at a storefront office, so that it can better continue its community work.

After the recommendations were presented, Mayor Butler asked the Assistant City Attorney, Mr. Richard Tulk, to respond to them. Mr. Tulk made the following comments:

1. Civil Service statutes that apply to Austin were adopted by the Austin voters; are very clear that complaints concerning police misconduct would be investigated by the Chief of Police, with an appeal to the Civil Service Commission; and are set by State law.
2. Removal of the Chief of Police and making the position an elected office is contrary to our City Charter which provides that department heads are appointed. Making the Chief of Police position an elected one would require a Charter amendment by Austin voters.
3. The removal from the Civil Service Commission of people already on it could be had for grievous misconduct, but there has been none alleged.
4. Immediate dismissal of police officers who have committed acts of misconduct goes back to the procedures set out in the statute on investigating complaints and disciplinary action, and such is done in serious cases; but the officer also gets certain protection under the Civil Service Act.
5. Most of the items on the list of demands concerning discipline are covered by the Civil Service Act, which was adopted in Austin many years ago.

Mr. Hernandez then asked the Council to take a stand on the various proposals that had been made.

Councilman Binder stated that regarding the Civilian Review Board, he saw no point in offering a stand on something that could not be legally done. On the other requests, he did not believe it was to the point to take a stand in anticipation of a change in State law. He thought it would be more appropriate after the State law had been changed.

Mayor Pro Tem Love stated that by way of comparison, he could express his personal viewpoint in terms of those limitations that the Council faced as established by State law or whatever law. Last week the Council had a matter which citizens had requested the Council consider having to do with equipment at Brackenridge Hospital. The position taken by the Council, which actually came to a vote, was that the Council would do whatever was prescribed by the law. There were some feelings by individual Councilmen as to what they would do if they had the choice; but when the City Attorney advised that there was no choice, the Council tried to adhere to the law.

Councilman Handcox stated that he found it difficult that Mr. Hernandez would ask someone to make a commitment that they were willing to do something unlawful. He found it to be a very difficult position to say that he would openly defy what was now written as the law. Responding to Mr. Hernandez' question, Councilman Handcox did not know whether he would support a referendum to make the Chief of Police position an elected office. He needed some time to think about the demands before making up his mind.

MR. NORMAN EATON, member of the Human Relations Commission, asked Mr. Hernandez, in regard to having officers live in the communities in which they serve, if he was aware of how many Blacks and Chicanos applied for positions on the police force. Mr. Hernandez indicated that he was aware. Mr. Eaton then asked who would be serving in the (East Austin) areas.

Mr. Hernandez stated that what they wanted was to see the return of the peace officer. Mr. Eaton thought that the recommendations of police officers on foot and less patrol cars in the area were good if they could be achieved. Mr. Hernandez said that it would be achieved by working in the community and by having people from the community give sensitivity training classes.

Councilman Dryden stated that he needed some time to study the suggestions and that he would be prepared to respond in two weeks.

MRS. MAXINE FRIEDMAN, member of the Human Relations Commission, stated that she was in complete accord with Mr. Hernandez and his group and would like and would welcome the opportunity to meet with his people and talk more about it. Mr. Hernandez stated that the group would be leaving at 7:00 p.m. to attend a meeting at the Pan American Center and that Mrs. Friedman was welcome to attend, along with anyone else.

MRS. VELMA ROBERTS stated that she took issue with the Mayor regarding the seven proposals that he had referred to earlier that had been accepted by the Council. She suggested that the harassments, brutality, and murders continued in spite of the implementation of the seven proposals; and she felt that they should come back with something different. She wanted to see a Civilian Review Board with subpoena powers; but if that could not be given by the Council, then nothing could stop her group from forming its own committee and making suggestions.

MR. ROBERT RHODES, a University-area resident, said that he had been working with the East Austin Committee for Justice. He felt that it should be pointed out where the power came from with regard to the appointments to the Civil Service Commission, the hiring of the Chief of Police, and appointments to the Human Relations Commission. He named the following University-area groups which supported the proposal of the Austin Committee for Justice:

1. New American Movement
2. Latin American Policy Alternatives Group
3. Radical Student Union
4. The Austin Women Workers
5. The Austin Prison Coalition

MR. LARRY JACKSON proposed that the Council empanel a broad-based, tri-ethnic group to aid the City Manager in studying the need for open reform inside the Austin Police Department. He suggested that the panel be composed of 21 individuals, 3 each to be appointed by each member of the Council.

Responding to Mr. Jackson's proposal, MRS. MERLE MITLES, member of the Human Relations Commission, stated that she lived in the East Austin community and grew up there. She pointed out that the Human Relations Commission was examining the ethnic makeup of the Civil Service Commission as well as how to conduct additional hours in sensitivity training and cultural or ethnic studies.

Councilman Handcox stated that he thought he could support Mr. Jackson's idea of having a committee study the problems and report to the City Manager.

In response to Councilman Binder's question, Mr. Jackson stated that he understood the proposed 21-member committee also would not have subpoena power.

MR. F. R. RICE, member of the Human Relations Commission, stated that he was not disagreeing with the proposed study group but wondered if the Human Relations Commission had no value through their conduction of hearings involving complaints. Mr. Jackson agreed that historically the Commission had been sympathetic, understanding and had always represented the best interests of the community; but his concern was that the Commission did not have subpoena power.

MR. MACK RAY HERNANDEZ, member of the Human Relations Commission, stated that the City Council did not have the time to investigate each case coming before the Human Relations Commission. He asked that the Council in the next budget provide an adequate staff for the Human Relations Commission to investigate and bring the facts to the Commission so that judgements could be made and recommendations presented to the Council.

At this point, Mr. Paul Hernandez stated that his group was leaving for the meeting at Pan American Center; and he invited others in the audience to join him.

MRS. DONNA GOTCH, Chairman of the Austin Support Your Local Police Committee, read a statement regarding the Committee's stand for claims of police brutality on the part of Austin police. In concluding her statement, she made the following recommendations:

1. Oppose the formation of Police Review Boards.
2. Oppose every instance or suggestion of substituting Federal officers of any kind for our local Austin police.

3. When we encounter questionable criticism of our Austin police force or of some individual policeman, we should learn the facts; and if the criticism is unjustified, help to set the record straight.

She also presented to the Council copies of an article entitled, "I.E.A.A. (Law Enforcement Assistance Administration) Grabs for Control."

MR. RAYMOND DONLEY stated that he represented the religious press services and the Christian Press Bureau at the Capitol. He spoke in defense of the late Mr. Soto and commended the people of East Austin who remained calm during the shooting incident.

Mr. Donley then yielded to a friend of his who did not identify himself. The man stated that he lived in northeast Austin with his family. He objected to some actions of the police force but felt that only a few were responsible for negative acts against the East Austin community and that those few should be "weeded out."

MR. PETE REYES, Vice-President of St. Julia's Parish Board, referred to a letter dated January 31, 1973, which had been sent to the Council by St. Julia's Parish. The letter contained the following points regarding the creation of a police committee:

1. To evaluate hiring policies and procedures of the Police Department and to make recommendations. This committee would be in charge of making recommendations in this form.
2. To evaluate training and orientation which was used in the Police Department.
3. To act as mediators in crisis situations.
4. To promote a program for better public relations between the police and the community.

Mr. Reyes supported the idea of a committee such as the one proposed by Mr. Jackson and felt that the committee could serve a useful purpose if it had the power to do so.

MR. JORGE GUERRA stated that he lived in East Austin and wanted to continue living there. He felt that it was time to recruit volunteers for a viable commission which would work on the East Austin police problems.

MR. ARMANDO TREVINO felt that the current police matter was not a reflection on the policemen in question, but a reflection on the City's leadership. He suggested that the City could prevent the recurrence of future incidents by taking proper action, particularly by taking an interest in the Blacks and Chicanos of Austin and working with them.

MR. PAUL ESTRADA stated that the citizens of East Austin wanted justice and a better city for all people, but within the laws and within human boundaries. He felt that the establishment of a counsel chosen from troubled areas where problems and incidents were created should speak for all of East Austin. He

asked that the concerned citizens of East Austin volunteer some time with the Austin Police buddy system to get better acquainted with their job and with their city.

MR. BOB GARRETT spoke to the Council regarding an incident in which he stated that he was brutalized by the police after being arrested.

ADJOURNMENT

The Council adjourned at 8:15 p.m.

(Note: Transcript on file in the City Clerk's office.)

APPROVED



Mayor

ATTEST:



City Clerk

City Clerk